

DISCUSSION OF THE AMENDMENT

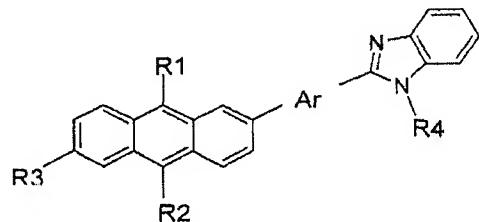
Claim 1 has been amended by inserting --with the proviso that R^{9a} does not include an anthracene moiety-- and Claims 2 and 4 have been amended by inserting --with the proviso that R⁹ does not include an anthracene moiety--. The amendment is deemed supported by the fact that while the compounds of the present invention, such as formulae (A-1) and (A-2) of independent claim 1, have an anthracene moiety as a compound nucleus, none of the numerous exemplified compounds in the specification have an anthracene moiety, **none** of the many exemplified compounds in the specification contain more than one anthracene moiety and thus, there are no exemplified compounds wherein R^{9a} or R⁹ is an anthracene moiety. In addition, the specification lists 9-anthryl and 2-anthryl, as well as non-anthracene-based groups, as applicable unsubstituted aryl groups for any of R¹ to R¹⁰ [0032], thus supporting the fact that Applicants had possession of the presently-claimed invention as of the filing date. Compare *In re Johnson*, 558 F.2d 1008, 194 USPQ 187 (CCPA 1977) (holding that a claim to a genus with a recital of a negative proviso that did not appear in the specification complied with the description requirement.)

No new matter is believed to have been added by the above amendment. Claims 1-21 remain pending in the application.

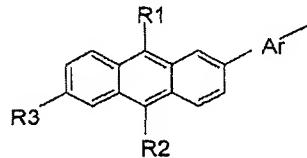
REMARKS

The rejection of Claims 1, 2, 4 and 10-13 under 35 U.S.C. § 103(a) as unpatentable over WO 2003/060956 (Yoon et al), is respectfully traversed.

The Examiner has withdrawn reliance on structural obviousness over various compounds of Yoon et al. Rather, the Examiner now finds that the following compound of Yoon et al

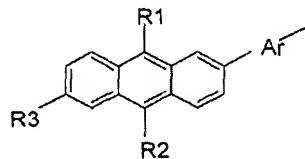


is readable on the claimed compound A-1/A-4 (compounds 1-II and 3-II) when R4 is an anthracene group. The Examiner finds that the substituted aryl group



of Yoon et al's compound corresponds to R^{9a} (R⁹) of the claimed compound.

In reply, Claims 1, 2 and 4 have been amended so as to exclude the anthracene moiety from the definition of R^{9a} and R⁹. Now, R^{9a} and R⁹ of the claimed compounds cannot be



Since R^{9a} and R⁹ of the claimed compounds A-1/A-4, 1-II and 3-II exclude the anthracene moiety, which is essential for the compounds of Yoon et al, the presently-claimed

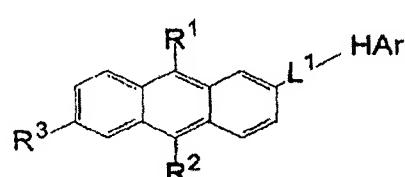
compounds cannot be the result, even if one were to modify the compound of Yoon et al by using an anthracene group for R4 of Yoon et al's compound.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

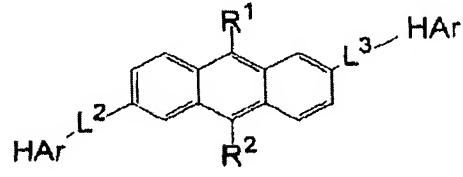
The rejection of Claims 14-15 under 35 U.S.C. § 103(a) as unpatentable over Yoon et al in view of US 6,064,151 (Choong et al), is respectfully traversed.¹ Choong et al does not remedy any of the above-discussed deficiencies in Yoon et al because Choong et al discloses nothing with regard to a compound having a benzimidazolyl group. Accordingly, it is respectfully requested that this rejection be withdrawn.

The provisional rejection of Claims 1-21 on the ground of nonstatutory double patenting over Claim 1 of copending application 11/722,609 (copending application) in view of Yoon et al is respectfully traversed.

The copending application claims the following compounds (1) and (2):

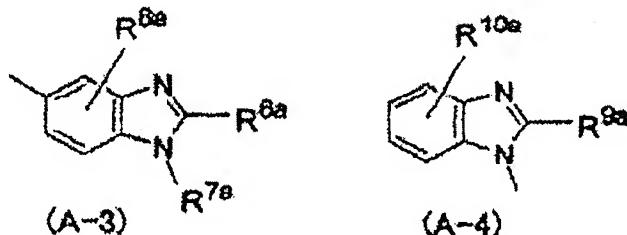


(1)



(2)

HAr is defined in the claims therein as containing a nitrogen-containing six-membered ring. In contrast, HAr (formulae A-3 and A-4)



¹ Choong et al has not been made of record herein. The Examiner is again respectfully requested to make Choong et al of record on an appropriate form with the next Office communication.

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of the presently-claimed compound does **not** contain a nitrogen-containing six-membered ring.

Yoon et al does not disclose formula A-3. As discussed above, R^{9a} of formula A-4 does not contain the anthracene moiety which is essential for the corresponding structure of Yoon et al. Thus, Yoon et al does not describe formula A-4 as above-amended.

While Applicants submit that one of ordinary skill in the art would not have modified the claims of the copending application in view of Yoon et al, the result would still not have been the presently-claimed invention even if so modified.

For all the above reasons, it is respectfully requested that the provisional rejection be withdrawn.

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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